

**United States Bankruptcy Court**  
**Southern District of Indiana**

05-21796

In re Randy K Smith  
Charlene Kay Smith

Debtor(s)

Case No.

Chapter

13

**CHAPTER 13 PLAN**

X Original        Amendment

**THIS PLAN DOES NOT ALLOW CLAIMS.** You must file a proof of claim to receive distributions under any plan that may be confirmed.

**1. PAYMENT AND LENGTH OF PLAN:**

- A. Debtor(s) shall pay **\$1,550.00 Monthly for 36 months** to the Chapter 13 trustee, starting no more than 30 days after the original plan is filed with the Court, for approximately **36** months. Total amount to be paid to the trustee shall not be less than **\$ 55,800.00**. Additional payments to the trustee: **None**.
- B. From the payments so received, the Trustee shall make disbursements as follows:
  - 1. Trustee's fee to be paid pursuant to statute.
  - 2. The balance due on debtor's attorney fee in the sum of **\$ 1595.00**:
    - (check one) X as soon as funds are available or        at the rate of **\$** monthly.
  - 3. Other administrative claims, if any, to be paid as follows (identify party, amount and nature of claim):  
**None.**

**2. SECURED CLAIMS:**

- A. **Curing Defaults and Maintaining Payments on Real Estate.** Regular monthly payments, for cases filed in the Indianapolis and Terre Haute Divisions, shall be paid directly to the creditor(s). In cases filed in the Evansville and New Albany Divisions, payments shall be made through the trustee if the plan treats a pre-petition default. Otherwise, payments shall be made directly to the creditor(s). Note that where there are arrearages, payments are to be made on the first due date after the month in which the petition is filed.

<u>Creditor</u>	<u>Collateral</u>	<u>Estimated Arrears</u>	<u>Interest Rate</u>
Mortgage Loan Svg	3843 Bressingham Dr., Indianapolis, IN 4 BR, 2.5 BA, 2 story house with .10 acres and 2 car garage Built in 1997, purchased in 1997 for \$105,000	\$0.00	0%
National City	3843 Bressingham Dr., Indianapolis, IN 4 BR, 2.5 BA, 2 story house with .10 acres and 2 car garage Built in 1997, purchased in 1997 for \$105,000	\$0.00	0%

- B. **Vehicles** (Indicate whether payment in full through trustee or direct to creditors, or fair market value plus interest):

<u>Creditor</u>	<u>Collateral</u>	<u>Treatment</u>
American General	1992 Olds Achieva w/110,000 miles	Fair Market Value of \$1,800.00 at 7% through plan.
Capital One Auto Finance	2003 Ford F150 2WD ext cab w/ 38,000 miles	Fair Market Value of \$14,075.00 at 7% through plan.

C. **Other Secured Claims** (Indicate whether payment in full through the trustee or direct to creditor, or fair market value plus interest):

<u>Creditor</u>	<u>Collateral</u>	<u>Treatment</u>
Best Buy	Washer & Dryer	Fair Market Value of \$200.00 at 6% through plan
Beneficial	3843 Bressingham Dr.	Debtors will avoid, by separate motion, this wholly unsecured third mortgage.

D. **Surrendered Collateral:** Debtor(s) surrender the following collateral in full satisfaction of the creditor's secured claim. Upon confirmation, or entry of an order granting relief from stay, the stay will be lifted as to the subject collateral.

<u>Creditor</u>	<u>Collateral to be Surrendered</u>
Chrysler Financial	Dodge Neon -- Surrendering debtor's interest in co-signed vehicle.

E. **Lien Avoidance:** Debtor(s) will file motion(s) to avoid the following liens under 11 U.S.C. § 522(f).

<u>Creditor</u>	<u>Collateral</u>	<u>Debt as Scheduled</u>
NONE		

F. **Lien Retention or Release:** All secured lien holders retain liens under 11 U.S.C. § 1325(a)(5)(B)(1) during the entire plan life, except:

Upon payment of secured claim, the following creditors' liens are released:  
 American General  
 Capital One Auto Finance  
 Best Buy

Other treatment: Beneficial's mortgage lien will be stripped by separate motion.

3. **PRIORITY CLAIMS:** All priority claims will be paid in full through the plan unless the creditor(s) agree otherwise.

<u>Creditor</u>	<u>Type of Priority</u>	<u>Scheduled Amount</u>
Indiana Dept. of Revenue	income taxes	\$300.00

4. **UNSECURED CLAIMS:**

a. **Separately Classified Unsecured Claims:**

<u>Creditor</u>	<u>Basis for Classification</u>	<u>Treatment</u>	<u>Amount</u>
-NONE-			

b. **Not Separately Classified Unsecured Claims** (check one):

Pro rata distribution from any remaining funds; or  
 % Projected pro rata dividend

5. **EXECUTORIAL CONTRACTS AND UNEXPIRED LEASES:** By operation of law, all executory contracts and unexpired leases are **rejected**, except the following, which are assumed:

<u>Creditor</u>	<u>Property Description</u>	<u>Treatment</u>
-NONE-		

6. **VESTING OF PROPERTY OF THE ESTATE:** Property of the estate shall vest in debtor(s) upon confirmation of the debtor's plan.

7. **PAYMENT NOTICES:** Creditors in Sections 2 (whose rights are not being modified) and 5 (whose executory contracts and unexpired leases are being accepted) may continue to mail customary notices or coupons to the debtor(s) or trustee notwithstanding the automatic stay.

8. **MISCELLANEOUS PROVISIONS:**

**None.**

Debtor's Signature: /s/ Randy K Smith Date: 10/1/05  
**Randy K Smith**

Debtor's Signature: /s/ Charlene Kay Smith Date: 10/1/05  
**Charlene Kay Smith**

Attorney's Signature: /s/ Gary M. Hoke Date: 10/1/05  
**Gary M. Hoke 19400-49**